IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition Nos.27051 of 2005 and 3681 of 2006

Dated: June 22, 2006

Between:

Mr. Christopher Sukka Johnson,
S/o. Late S.S. Christopher, aged 44 years,
Occ: Employee, Christian,
Citizen of America (NRI) Temporary
R/o.H.No.1-1-571/16, Golkonda Cross Roads,
Hyderabad – 500 020 and another.

… Petitioners

And

Principal Secretary, Women Development
and Child Welfare, A.P. Secretariat, Hyderabad,
and two others.

… Respondents

W.P.No.3681 of 2006

Between:

Mr. Mallineni Chandra Sekhar Rao,
S/o. Venkata Subba Naidu, aged 49 years,
Occ: Employee, and another.

… Petitioners

And

Principal Secretary, Women Development & Child
Welfare, A.P. Secretariat, Hyderabad, and two others.

… Respondents

Common order:

In both the writ petitions, as the petitioners are seeking directions with regard to adoption of one baby Sucharita, they are therefore considered together and disposed of by this common order.

2. Petitioners in W.P.No.27051 of 2005, foreign nationals, filed the writ petition seeking directions by Writ of Mandamus to direct the respondents to consider and pass orders on the application filed by them in April, 2001 and on 31-07-2005 requesting to adopt a baby girl named Sucharita, who is presently at Sisu Vihar.

3. W.P.No.3681 of 2006 has been filed by Indian nationals seeking similar relief to declare the action of the respondents in not giving the very same baby girl Sucharita in adoption to them as illegal and arbitrary and contrary to the directions of the Supreme Court of India in Lakshmi Khanth Pandey's case (1984 2 SCC 244).

4. In both these cases, there is a rival claim to adopt the very same child. The case of the petitioners in W.P.No.27051 of 2006 is that they had approached Sisu Vihar and the Department of Women Development & Child Welfare of A.P. and filed an application for adoption. It is alleged that though they have complied all the formalities for such adoption and in spite of making repeated requests to adopt the baby girl, the respondents have not considered their request yet.

5. The case of the petitioners in W.P.No.3681 of 2006 is that as per the guidelines framed by the Central Adoption Resource Agency (CARA), they made an application to the second respondent to permit them to adopt a child from Sisu Vihar and conveyed their willingness to adopt a baby girl named Sucharita. It is alleged that their request for adoption of that baby girl has not been considered yet. While so, these petitioners came to know that a Non-resident Indian couple filed W.P.No.27051 of 2005 to direct the respondents to permit them to adopt the very same baby girl Sucharita.

6. Whether the petitioners in W.P.No.27051 of 2006 or the petitioners in W.P.No.3681 of 2006 are eligible for adoption of the baby girl is a matter, which is required to be considered by the competent authority, i.e. the second respondent, as per the guidelines aforesaid and also the judgment of the Apex Court in Lakshmi Khanth Pandey's case (supra). It is not in dispute that no decision has yet been taken by the competent authority in favour of either of the petitioners. Hence, this Court cannot record any finding on this aspect having regard to the rival claim made by the petitioners in both the cases.

7. As much as the petitioners in both the writ petitions have been claiming adoption of the baby girl since a long time, I dispose of the writ petition directing the second respondent to consider the claim of the petitioners in W.P.No.27051 of 2005 and also W.P.No.3681 of 2006 and pass appropriate orders within two months from today, taking into account the guidelines framed by CARA and the judgment of the Apex Court referred to above, after giving opportunity to the petitioners in both the writ petitions.

8. Subject to the above observations, the writ petitions are disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY.

June 22, 2006
MRR